

MIDPOINT REVIEW

JULY 1, 2020

Borough of Washington
Warren County, New Jersey

Prepared By:



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Midpoint Review
Borough of Washington, Warren County

Purpose

Washington Borough's Settlement Agreement with Fair Share Housing Center ("FSHC") requires that Washington Borough complies with the statutory midpoint review requirements of the Fair Housing Act ("FHA") and specifically N.J.S.A. 52:27D-313, which provides in relevant part: "[t]he Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public". Pursuant to the Settlement Agreement, that review requires the Borough to post on its website, with a copy to FSHC, a status report regarding its compliance mechanisms and whether or not unbuilt sites/unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Borough, with a copy to FSHC, regarding the implementation of the Plan.

Relevant Background

In response to Mount Laurel IV, Washington Borough filed a Declaratory Judgment action, along with a motion for temporary immunity, on July 1, 2015. The Borough and the Fair Share Housing Center (FSHC) executed a Settlement Agreement on December 10, 2018. Pursuant to the executed Settlement Agreement, the Borough has the following obligation:

Rehabilitation Share: 69

Prior Round Obligation: 0

Third Round Obligation: 42

Washington Station Venture and Washington Venture Investment (collectively "Washington Station") were granted leave to intervene by the Court. A Settlement Agreement was executed between Washington Station, Washington Borough, and the Washington Planning Board on October 9, 2018, which was subsequently amended on December 18, 2018.

A Fairness Hearing was held on December 20, 2018 and a Court Order was issued on January 23, 2019 which deemed the Settlement Agreements preliminarily fair and reasonable.

The Borough has been negotiating with Washington Station with respect to the residential ordinance and cemetery ordinance. An amended Settlement Agreement was drafted and approved by the Borough Council for execution on June 16, 2020 pursuant to Resolution #2020-95.

It is anticipated the Compliance Hearing will be held in August 2020, once the Borough adopts the Residential and Cemetery Ordinances.

To date, the Borough has adopted the following requisite documents:

- The Housing Element and Fair Share Plan was adopted by the Borough Land Use Board on June 8, 2019, and was subsequently memorialized on July 8, 2019
- The Borough Council endorsed the Housing Element and Fair Share Plan on August 13, 2019 via Resolution 2019-119
- The Borough Council introduced Ordinance 2019-22 on August 13, 2019, and subsequently adopted the ordinance on October 1, 2019. This ordinance amends the Downtown Redevelopment Plan to require a 20% affordable housing set aside for all developments producing 5 or more residential units
- The Borough Council introduced Ordinance 2019-23 on August 13, 2019 and subsequently adopted the ordinance on October 1, 2019. This ordinance repeals and replaces Article VIII of Chapter 94 to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls regarding compliance with the Borough's Affordable Housing Regulations
- The Borough Council introduced Ordinance 2019-25 on August 13, 2019 and subsequently adopted the ordinance on October 1, 2019. The ordinance repeals Chapter 94 Article IX "Housing Officer" and repeals and replaces Chapter 94 Article IX "Development Fees".
- The Borough Council appointed Matthew Hall as the Municipal Housing Liaison via Resolution 2019-120 on August 13, 2019
- The Borough Council adopted the Affordable Housing Trust Fund Spending Plan via Resolution 2019-157 on November 14, 2019
- The Borough Council appointed Heyer Gruel & Associates to serve as the Administrative Agent for the Borough via Resolution 2020-81 on June 16, 2020
- The Borough Council adopted the Affirmative Marketing Plan via Resolution 2020-94 on June 16, 2020

Rehabilitation Program Update

Washington Borough has a Rehabilitation/Present Need of 69 units. The Borough continues to partner with the Warren County Rehabilitation Program, which provides funding as grants or as revolving loans to income eligible households. The Borough has completed 55 units in partnership with Warren County.

Realistic Opportunity Review

<u>Mechanism</u>	<u>Description</u>	<u>Ordinances Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Westgate Apartments	100% affordable development	N/A	Developed	The site received CO in 1981. The site has a total of 68 units.
Gardner's Court	Existing supportive and special needs housing	N/A	Developed	The site has 9 very low and 5 low income affordable units. 11 rental bonuses also apply towards the 3 rd Round, for a total of 25 credits.
Downtown Redevelopment Plan	The Borough adopted Ordinance 2019-22 which requires a 20% set aside for all residential developments producing 5 or more units	Yes	No applications have been submitted to the Borough's Land Use Board	-
Towne Center Project	The Borough executed an agreement with Jade Partners, LLC to deed restrict 10 units to be affordable.	The site is located within the Borough's Downtown Redevelopment Plan	The project received site plan approval.	The site is an inclusionary development.
Habitat for Humanity (Block 100 Lot 41)	1 Family for-sale unit	N/A	Developed	-
Habitat for Humanity (Block 69 Lots 12, 13, 14 & 16)	1 Family for-sale unit	N/A	Developed	-
Habitat for Humanity (Block 68 Lot 2)	1 Family for-sale unit	N/A	Developed	-

Very Low-Income Analysis

The Borough will ensure that 13% of all of the affordable units created, with the exception of units constructed as of July 1, 2008 and units subject to preliminary or final site plan approval, will be affordable to very low income households. Half of the very low income units will be made available to families.

Conclusion

Washington Borough's plan implementation continues to create a realistic opportunity.